



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

November 2, 1990

Mr. George F. Christie
Attorney for Tarrant County Water
Control & Improvement District No. 1
901 Fort Worth Club Building
Fort Worth, Texas 76102

OR90-526

Dear Mr. Christi:

You ask whether certain information maintained by the Tarrant County Water Control and Improvement District Number One is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9561.

We have considered the exceptions you claimed, and have reviewed the documents at issue. The requestor seeks two categories of information identified as categories 1 and 2. Category 1 consists of five items identified as items (i) through (v). You advise that the district has no documents identified in item (iii). With respect to item (i), (iv), and (v), you claim exception from required public disclosure under section 3(a)(3). With respect to these four items, a previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. As you advise that litigation is currently pending with respect to the subject matter of the requested information, you may withhold the requested information. Please note the discussion in Open Records Decision No. 551, at page 4, regarding the duration of the litigation exception. As section 3(a)(3) is dispositive of your request at this time, we need not address the other exceptions you raise.

With respect to item (ii), you assert that the requested information is excepted from required public disclosure by section 3(a)(7). The information in question consists of detailed billing statements for legal services.

The attorney-client privilege is incorporated into the Open Records Act by section 3(a)(7), q.v. See also Open Records Decision No. 462 (1987). State Bar Rule 1.05 provides for the confidentiality, inter alia, of information protected by Rule 503 of the Texas Rules of Evidence. The

purpose of the attorney-client privilege is to promote unrestrained communication between the attorney and client in matters in which the attorney's professional advice or services are sought. West v. Solito, 563 S.W.2d 240, 245 (Tex. 1978). With respect to the material submitted for our inspection pursuant to section 7 of the Open Records Act in item (ii), the billing statements are sufficiently detailed to reveal client confidences, i.e. the bills reveal issues with respect to which legal advice was sought. Accordingly, the itemized statement may be withheld. However, the amount billed may not be withheld. V.T.C.S., art. 6252-17a, § 6(3); Open Records Decision Nos. 399 (1983), 304 (1982).

With regard to the information requested in category 2, based on your explanation, the request as worded appears overbroad. In such an instance, you may advise the requestor of the types of information available so that he may appropriately narrow his request.

Finally, we note your inquiries regarding costs under the Open Records Act. In general, such inquiries are beyond the scope of decisions under section 7 of the act. At any rate, as the requested information has been found to be excepted from required public disclosure, the issue is moot in this instance.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-526.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/le

Ref.: ID# 9561, 9624, 9664

Enclosure: Open Records Decision No. 551

cc: Frank Hodge
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Arlington, Texas 76013